

**NEBRASKA STATE BOARD OF HEALTH MEETING**

**MINUTES – January 26, 2015**

**ATTENDANCE NOTIFICATION.** A regular meeting of the State Board of Health was called to order by the Chair, Wayne Stuber, PT, PhD, at 11:00 AM on January 27, 2014 in the Conference Room of the Nebraska Bar Association in Lincoln. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Diane Jackson, APRN; Teresa Konda, PE; Dale Michels, MD; Tony Moravec, DVM; Debra Parsow; Roger Reamer, MBA; Paul Salansky, OD; Wayne Stuber, PhD, PT; Travis Teeter, MD; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met. Members not in attendance: Russell Hopp, DO (Three current vacancies) Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Marla Scheer

**APPROVAL OF ANNUAL REPORT.** The Board of Health annual report for 2014 was discussed. Copies will be sent to Governor Ricketts, Lt. Governor Foley, members of the HHS Legislative Committee, professional board chairs, local health directors, health care professional associations, key HHS staff, and other interested parties. Dr. Warner made a motion to approve the annual report; Ms. Jackson seconded. Call for vote on motion - voting yes: 13 Borchert, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuber, Tennity, Vest, Warner); voting no: 0; not voting: 0. Motion carried, and report approved.

**LEGISLATIVE DISCUSSION.** Mr. Reamer, Chair of the Public Health, Education and Legislation Committee, listed bills of interest to his committee, as determined during a committee conference call held on January 22, 2015, and committee discussion held the morning of January 26<sup>th</sup>. Conference call participants included Mr. Reamer, Ms. Jackson, Dr. Michels, Dr. Warner, and staff Monica Gissler.

Mr. Reamer explained the three categories that the Board of Health places legislative bill in: Category 1: Take action on; 2: Monitor and take possible action on, and 3: monitor.

BILL	INTRODUCER	BOARD OF HEALTH PRIORITIES 2015
18	Krist	Change provisions relating to immunizations for students.
31	Bloomfield	Eliminate motorcycle and moped helmet requirements.
80	Gloor	Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act.
90	Campbell	Change provisions for directed review under the Nebraska Regulation of Health Professions Act.
107	Crawford, Pansing- Brooks	Eliminate integrated practice agreements and provide for transition-to-practice agreements for nurse practitioners.

129	Harr	Require criminal background checks for applicants for an initial nursing license
196	Campbell	Change provisions of the Rural Health Systems and Professional Incentive Act.
211	Kolowski	Authorize chiropractors to provide school entrance physical examinations and visual evaluations.
248	Sullivan	Prohibit use of interactive wireless devices by school bus drivers as prescribed.
373	Hilkemann	Change provisions regarding school bus safety.
471	Howard	Change provisions relating to prescription drug monitoring

Board of Health action means providing testimony or sending a letter either lending support or stating concerns regarding a bill. For each of the support and opposition bills listed above, the Board will send a letter and/or testify.

Dr. Stuberger asked if anyone wanted to separate out any bill for individual consideration. LB 90, LB 107, and LB 211 were identified for discussion under Item 12 Unfinished Business. Mr. Reamer made a motion to approve these legislative bills as the official Board of Health bills of interest for 2015. Call for vote on motion - voting yes: 13 (Borcher, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuberger, Teetor, Vest, Warner); voting no: 0; not voting: 0. Motion carried. Whenever the Board of Health takes a position on a piece of legislation, a supermajority vote of 12 is required.

**RECESS.** The Board of Health recessed at 11:21 AM for lunch. Motion made by Dr. Stuberger; seconded by Dr. Michels. All in favor by voice vote.

**RECONVENE.** Dr. Stuberger called the meeting back to order at 1:08 PM in Room 1023 of the State Capitol Building. The following members were in attendance: Kevin Borcher, PharmD, RP; Shane Fleming, MSN, RN; Diane Jackson, APRN; Teresa Konda, PE; Dale Michels, MD; Tony Moravec, DVM; Debra Parsow; Roger Reamer, MBA; Paul Salansky, OD; Wayne Stuberger, PhD, PT; Travis Teetor, MD; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

**APPROVAL OF AGENDA.** Dr. Stuberger asked if there were any changes to the agenda for the meeting today. Ms. Parsow requested to add discussion of information learned during the luncheon with the senators. All in favor to add this item. There being no objections, the revised agenda was approved by consent calendar.

**APPROVAL OF MINUTES.** Dr. Stuberger asked if there were any changes to the minutes from the November 16, 2014 meeting. Dr. Michels made a motion to approve the minutes, and Mr. Reamer seconded. There being no objections, the minutes were approved unanimously by roll call vote.

**LUNCHEON OBSERVATIONS.** Ms. Parsow wanted to follow up on Senator Campbell's request to receive a Credentialing Review update as it pertains to introduced legislation. She would like to receive this in a timely manner so the Committee knows what resources are already out there.

Senator Campbell had encouraged the Board of Health members to speak to their senators about bills that have been introduced, and remind or inform them of relevant credentialing reviews that are either in process, or have recently been conducted.

**LEGISLATIVE UPDATE.** Bryson Bartels presented on the DHHS legislative priorities and bills they are tracking. This is Day 13 of a long session. The Department has two bills this year: LB 296 regarding notification after removal of a child, and LB 369 regarding impaired credential holders. There were 663 total bills introduced.

**CHAIRPERSON'S REPORT.** Dr. Stuberger reported the following:

1. Thank you for your vote of confidence during the November Board of Health election of officers. I look forward to serving as your Chair in 2015. I want to keep communication open and moving. Thank you as well to Dr. Michels for his past service as Chair.
2. Dr. Acierno is not attending today to provide a Directors/Chief Medical Officer's report. Dr. Stuberger did talk with him on January 22<sup>nd</sup> regarding LB 90. Dr. Acierno asked for the Board of Health to become more involved with the public health efforts of the Division, in terms of supporting public health initiatives of the Department. They will follow up with a meeting.
3. Has anyone attended any professional board meetings that they would like to report on?
  - Dr. Moravec attended the Board of Veterinary Medicine and Surgery on January 14<sup>th</sup>.
  - Dr. Warner attended the Board of Psychology meeting on January 16<sup>th</sup>.
  - Dr. Teetor attended the Board of Medicine and Surgery meeting on January 23<sup>rd</sup>.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made.

4. I had hoped that today we would welcome our new dentist, chiropractor, and public member on the Board of Health. Governor Ricketts requires at least two applicants for each vacancy before he will consider an appointment. We were told he will tentatively make appointments in early February.
5. There have been several staff changes during the last month at DHHS. In December, Kerry Winterer, CEO of the Department of Health and Human Services, left. Dr. Acierno is the

interim CEO. Roger Brink, long time legal counsel, retired. Kevin Griess will serve as the DHHS primary attorney for the Board of Health.

6. Monica sent out an email about the scheduling of our June meeting. Most members can attend on June 22<sup>nd</sup>, so we will leave the meeting as originally scheduled. We do not have a location identified for our September meeting. We will discuss this later on.
7. Today we hosted senators for our annual Legislative luncheon.

### **COMMITTEE REPORTS.**

**Rules and Regulations Committee** – Dr. Borchert, Committee Chair, reported.

172 NAC 75 Licensure of Hearing Instrument Specialists (staff: Rene' Tiedt)

These amended regulations provide for the licensure of hearing instrument specialists. The proposed regulations include:

- Removing statutory language and licensing process-related material;
- Non-statutory definitions;
- Qualifications for initial and initial temporary licenses;
- Supervision of temporary licensees;
- Examination requirements;
- Continuing competency requirements for license renewal;
- Unprofessional conduct and grounds for discipline; and
- Conditions for reinstatement.

The public hearing on these regulations was held January 22, 2015.

Call for vote on motion - voting yes: 13 (Borchert, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuberg, Teetor, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

180 NAC 11 – Requirements for Radon Measurement and Mitigation Services (staff: Jeremy Poell). These amended regulations provide for the licensure of radon measurement and mitigation specialists and businesses. The proposed changes include:

- Removing statutory language and licensing process-related material;
- Removing exemptions from licensure for county extension agents and other educational professionals;
- Clarifying language in regard to operating requirements and supplemental documentation;
- Replacing references to the National Environmental Health Association with the National Radon Proficiency Program;
- Changing installation requirements for mitigation systems; and

- Adding who performed the electrical work to reporting requirements for mitigation businesses.

The public hearing on these regulations was held November 20, 2014. One public written comment was received. The substance of that comment has been incorporated in 180 NAC 11-009.10, item 2. During the Rules and Regulations Committee meeting there had been a question about the minimum age for credential. Ms. Pinkley confirmed it is age 21.

Call for vote on motion - voting yes: 13 (Borcher, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuber, Teetor, Vest, Warner); voting no: 0; not voting: 0. Motion carried and approved.

Reviewed updated UCA Regulations Status Report.

**Credentialing Review (407) Committee** – Ms. Parsow, Committee Chair, presented. Credentialing Review documents may be accessed at [http://dhhs.ne.gov/Pages/reg\\_admcr.aspx](http://dhhs.ne.gov/Pages/reg_admcr.aspx).

Updates on Credentialing Review Issues:

**Dental auxiliaries.** LB 80 was introduced by Senator Gloor. This is an involved review of two proposals, and Board of Health members are encouraged to start reviewing the proposals now. Everything is on the website link above. One proposal is from the Nebraska Dental Hygienists' Association and the other is a joint proposal from the Nebraska Dental Association and the Nebraska Dental Assistants Association. One common element is that they both propose to license dental assistants. The Dental Auxiliaries' Technical Review Committee is scheduled to make its final recommendations on these proposals on February 12, 2015. The Board of Health will likely make its recommendations on these proposals during its March 23, 2015 meeting.

**Psychology Prescribing:** This would allow those psychologists who receive additional education and training to prescribe psychotropic medications is currently underway. The Psychology Prescribing Technical Review Committee is scheduled to make preliminary recommendations on the proposal during its March 6, 2015 meeting. The following meeting on April 7, 2015 will likely be the public hearing on this issue.

**Radiologic Physician Assistants:** The credentialing review of a proposal to license Radiologic Physician Assistants has been completed. All three reports from this review are posted on the link above.

**Surgical First Assistants:** LB 548 was introduced. A credentialing review of a proposal to license surgical first assistants is likely to get underway within a couple of months. The committee has been appointed, and will begin this review once the proposal has been submitted by the Nebraska Hospital Association.

**Professional Boards Committee.** Dr. Michels, Committee Chair, reported.

The 2015 Vacancy List was reviewed. There are approximately 50 vacancies to fill in 2015. In 2014, there was the lowest percentage of eligible incumbents who chose not to seek reappointment. In response to this, the Professional Boards Committee voted to inform incumbents this year that it is ok to seek reappointment, even if they are not sure of their five-year plan to remain in active practice.

There are three interviews scheduled for March 23<sup>rd</sup>. There are still five positions with no applicants. The Committee discussed options to expand recruitment. Ms. Gissler will contact local Lyons, Optimists, and Rotary Clubs.

**Public Health, Education and Legislation Committee:** Mr. Reamer, Committee Chair, continued his Committee report.

Board members shared their observations regarding the pros and cons of the Legislative luncheon.

- # Public Health Recognitions – Four Corners Health Department for their response to the 2014 Seward County tornadoes.

Four Corners Health Department (FCHD) has a responsibility to protect the residents of the district from health problems and health hazards. This includes responding to a public health emergency by means of early response, rapid communication of essential information, and coordination with other local partners. On May 11, 2014, at least seven tornadoes were spotted in and near Seward County, with one tornado hitting and causing extensive damage to Cordova and Beaver Crossing. In some areas this tornado reached EF3 size. Through the years, the FCHD staff has coordinated emergency response plans, trained, and exercised with community partners. When the tornadoes struck Seward County that evening, Four Corners Health Department responded with area partners to this situation. Because of extensive training in emergency preparedness concepts, and the existing relationships built with the communities, Four Corners played several significant roles in response to the disaster.

As a result of the Emergency Volunteer Center's efforts, over 2,000 volunteers and responders were dispatched to clean up and remove debris from areas affected by the storm.

Mr. Reamer offered to present the recognition certificate to the Four Corners Health Department.

- **Nebraska MEDS (Medication Education for Disposal Strategies) Disposal**  
The Lincoln-Lancaster County Health Department (LLCHD) successfully piloted a program for efficient and effective approaches to better manage unwanted medication, with the support of the Nebraska MEDS Coalition. Through grant funding from the Nebraska Environmental Trust, the program has supplied pharmacies in Lancaster County with containers at no charge to collect unwanted, non-controlled medications from patients. Grant funding also supported

DEA-sponsored Take Back Events in Lancaster County. Lessons learned from this pilot program are being applied in a statewide effort which will begin in January of 2015.

This program worked to confront the environmental and public health challenges of emerging contaminants /unwanted medications in our state. The primary objective was to protect the natural environment and human health by creating a uniform, comprehensive and long-term model for the safe and legal management of pharmaceutical waste from households. Education efforts focused on avoiding the flushing of unwanted medications to protect the environment and public health.

Pharmacies in Lancaster County volunteered to participate as a collection site for unwanted, non-controlled medications. Each pharmacy was provided collection containers, training and patient education materials. Marketing and financial resources were provided to support the DEA Take Back Days, allowing Lancaster County to several sites for the return of unwanted medications to local law enforcement. From August of 2012 through September of 2014, 5,317 pounds of unwanted medications were collected by approximately 40 pharmacies in Lancaster County. During the DEA Take Back Days in 7,958 pounds were collected in Lancaster County. These medications were removed from medicine cabinets and diverted from the water supply and from landfills.

Call for vote on motion to approve this Public Health Recognition for Nebraska MEDS - voting yes: 13 (Borcher, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuberg, Teetor, Vest, Warner); voting no: 0; not voting: 0. Motion carried, and approved. Dr. Michels offered to present the certificate to the Lincoln-Lancaster County Health Department.

### **UNFINISHED BUSINESS.**

LB 90 – There is concern about who initiates a directed review. Dr. Michels made a motion to support this legislation with a second by Ms. Jackson. Dr. Teetor offered a friendly amendment to the motion to remain neutral, but keep this bill on the Category 1 list. Voting yes: 13 (Borcher, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Stuberg, Teetor, Vest, Warner); voting no: 0; not voting: 0. Motion carried, and approved.

LB 107 motion to support: voting yes: 5 (Borcher, Fleming, Jackson, Konda, Salansky); voting no: 6 (Michels, Moravec, Parsow, Reamer, Teetor, Warner); not voting: 2 (Stuberg, Vest). Motion was not approved.

Motion to remain neutral, but keep LB 107 on the Category 1 list: voting yes: 9 (Borcher, Konda, Moravec, Parsow, Reamer, Stuberg, Teetor, Vest, Warner); voting no: 4 (Fleming, Jackson, Michels, Salansky); not voting: 0. Motion carried, and approved.

LB 211 Motion to oppose and move it to Category 1: voting yes: 12 (Borcher, Fleming, Jackson, Konda, Michels, Moravec, Parsow, Reamer, Salansky, Teetor, Vest, Warner); voting no: 0; not voting: 1 (Stuberg). Motion carried, and approved.

**NEW BUSINESS.**

- Location for September Meeting. Dr. Michels suggested Beatrice. He has a contact who tentatively offered to host at us at Beatrice Community Medical Center on September 21. If we meet there, professional board interviews would also be conducted there on Sunday, September 20.
- **PUBLIC COMMENTS.** None.

**PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be March 23, 2015 at the State Office Building in Lincoln.

**ADJOURN.** There being no further business, Dr. Borcher made a motion to adjourn, with a second by Dr. Morevec, all in favor by voice vote. The meeting adjourned at 2:20 PM. Minutes were taken by Monica Gissler. This draft has not yet been reviewed by Board members.

***NOTE:*** If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

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